

Doctor Mease

THE
SPEECH

OF

Mr. Bayard

ON THE

FOREIGN INTERCOURSE BILL.

DELIVERED IN THE

HOUSE OF REPRESENTATIVES

OF THE

UNITED STATES,

On the third Day of March, 1798.

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THE following Amendment to the Bill providing the Means of Intercourse between the United States and Foreign Nations, being under consideration, to wit:— In the Section which provides that “ the President shall “ not allow to any Minister *Plenipotentiary* a greater sum “ than at the rate of nine thousand dollars per annum, as “ a compensation for all his personal services and other “ expenses; nor a greater sum for the same than four “ thousand five hundred dollars per annum, to a *Charge des Affaires*,” strike out the word “ *Plenipotentiary*,” and insert in lieu thereof the words “ to Great-Britain, “ France or Spain;” strike out the words “ *Charge des Affaires*,” and insert in lieu thereof the words “ any “ Minister to any other foreign nation;”

Mr. Bayard

DELIVERED

THE FOLLOWING SPEECH:

I SHALL not follow the example of the gentleman who is just sat down (Mr. R. Williams) in assigning reasons against the vote which I design to give, but shall content myself in stating and maintaining the grounds upon which I am opposed to the amendment under consideration. I had thought and still believe that the principles upon which gentlemen differ, are well understood. We do not deny the power of this House in the appropriation of money, nor the discretion which they may constitutionally exercise in fixing the proper amount of salary for a Minister Plenipotentiary, or for any other officer employed by the government. On the other hand, gentlemen who differ from us, do not contend that 9000 dollars per annum is too great a salary for a Minister Plenipotentiary, but they say that no Minister is necessary at Berlin or Lisbon, and therefore they will not appropriate for their support. If this House has not a right to judge of the grade of Ministers, or of the places at which it is proper to employ them, no reason will remain for our refusing to appropriate in the manner contemplated by the bill in its original shape.

The first question, therefore, which naturally presents itself in this discussion, is whether the power of fixing the number and grade of foreign Ministers, belongs in any degree to this House, or exclusively to the Executive.

By the Constitution, the right of receiving foreign Ministers is given to the President, nor is there any pretence under which this House can claim a share of that right or its incidents. The obligation to appoint foreign Ministers may frequently arise from the communications they make to the power which receives them. The powers therefore of appointing and receiving seem to me co-relative, and essentially to belong to the same branch of government.

But the power of appointing is as expressly given to the President, as the power of receiving Ministers. As Ministers, however, cannot be employed abroad, without money being appropriated for their support, as money cannot be appropriated but by law, it is therefore said we may enquire into the propriety of the appointments before we appropriate.

Now, Sir, I apprehend wherever an office, created by the constitution, or by law, is legally filled by the President, that we are bound to provide a reasonable compensation for the officer. The gentleman from Pennsylvania, however, has told us, that the office of foreign Minister is created by the President, and does not exist under the Constitution. This is one of those bold assertions which we so often hear from that quarter, and intended to impose upon the easy credulity of a part of the House. I ask the gentleman whether the power of creating offices is of an Executive nature? And, if not, I beg him to point out to me the clause in the Constitution which in any case gives such a power to the President? But in order to oppose the assertion, I will beg leave to refer to the provision of the Constitution on the subject.

[Mr. B. here read the following passage from the 2d sect. of the 2d art. of the Constitution:—"He," the President, "shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law."]

By this clause it explicitly appears that the power of appointment extends only to offices provided by the Constitution, or which afterwards should be established by law. The place of Minister, then, is an office created by the Constitution. But it is contended by this gentleman, that Ministers stand upon the same ground with Judges of the Supreme Court, and, as we had limited the number of the latter, so we have a right to restrain the number of the former. Now, Sir, by referring again to the Constitution, I apprehend I can shew, that the cases stand on different grounds, and that there is a power given to us to interfere in the case of Judges, which does not belong to us in the case of Ministers.

[Mr. B. here cited the 3d art. of the Constitution, sect. 1st, as follows:

“ The judicial power of the United States shall be vested in one Supreme Court, and in such inferior as the *Congress may from time to time establish.*”]

It appears from this clause, that a Supreme Court is provided, but the mode of its establishment is expressly left to Congress. Beside, it is evident from the Constitution, that the framers of it frequently referred to things as known. As when they provide in criminal cases that the trial shall be by jury, it was understood that the jury should consist of twelve men, and a verdict be the unanimous opinion of the whole. And so in the case of the Supreme Court, that the number of Judges could not be indefinite, and of consequence must be limited by Congress. This is certainly not the case as to foreign Ministers. Their number can be no more limited than the number of foreign powers. By lessening the number of independent nations (which is a work going on very fast) the constitutional power of the President on this subject will be restrained.

If the doctrine be founded, that this House has a right to refuse to appropriate for the salary of foreign Ministers, I ask gentlemen to reconcile it with their admission that no such right to refuse exists in the case of the President or Judges? A distinction has been attempted. It is said, that in the case of these officers, the Constitution has provided that their compensation shall not be diminished during their continuance in office. But it strongly appears to me, and I do insist, that by conceding that in the case of the President and Judges we are *bound* to appropriate, the whole argument on the other side is given up. Because it allows, that notwithstanding we have an express power on the subject of appropriation, that yet there are cases in which that power must be passively exercised, without the use of the discretion which it is strongly contended essentially belongs to it. And now, Sir, as to the distinction between Judges and Ministers, I beg leave to remark, that in the case of Judges, the provision of the Constitution goes only to the *quantum* of the salary, and prohibits the *diminution* of it during their continuance in office. But as to the *principle* that a reasonable compensation shall be allowed, the cases stand on the same footing. The only difference is, that in the case of the Judge we have not the power of saying the *salary is too great*, but we are bound to appropriate to the last farthing; whereas, in the case of a Minister, we have the right at all times of reducing the amount of his pay. I believe, Sir, it can hardly be denied, that when the framers of the Constitution created an office, or gave a power to create one, and directed the office to be filled by the President, that they contemplated a reasonable compensation being provided for the officer. It was a thing so well understood, that it would have been folly to have expressed it, as great folly as to have provided that it should be the duty of the Judges to expound the law. And, therefore, I hold that in the case of Ministers and all

other officers legally appointed, that this House is bound to concur in an appropriation for a reasonable compensation.

In order to maintain their ground, gentlemen, on the other side, have descanted largely on the subject of checks, and persuaded themselves that the right to refuse an appropriation in the present case, sprung from the general spirit of the Constitution, which designed that one branch of the government should operate as a check upon another.

The doctrine as contended for, has emphatically been stiled an *imported doctrine*, but I hope it will not be *smuggled* into this House without inspection and examination. The cases of checks to be derived from the Constitution, I apprehend may be classed under three heads.

1. Where an express power is given to one branch to control the operations of another. 2. Where a branch of the government exceeds its powers. 3. Where a general power is given to one branch, and a substantive power included within the terms of it given to another. Thus, in the first case; in the Legislature, the Senate is a check upon this House, and this House upon the Senate, and the President upon both. In the Executive, the Senate on the President, as to treaties and appointments. And in the Judiciary, one Court upon another. Upon the second head, a case mentioned by the gentleman from Virginia, and much relied on, furnishes a striking example. Even the Judges, the gentleman said, are a check upon the Legislature. This arises from the nature of the Legislature, the powers of which are limited. If the Legislature transgress the bounds of their authority, their acts are void, and neither the people nor the Judges are bound by them. So if the President should commission, after an appointment non-concurred by the Senate, the commission would be void. And in all cases where an act is done without power, a check may be found wherever we please to look for it. The third case which has been mentioned, is, where the general power of one branch is controlled by a particular power given to another branch. To this head may be assigned another case much relied on by the gentleman from Virginia. The case I refer to, is that of a treaty made by the President having war for its object. Now, as the exclusive power to declare war is vested in Congress, I have no hesitation in saying, the President has not the power to make a treaty of offensive and defensive alliance. For though such a power may be embraced in the general terms giving the power to make treaties; yet, as the right to declare war is distinctly given to Congress, it must operate as an exception to the general treaty-making power.

These are the cases of legitimate checks which occur to me. But as to the wild doctrine which has been contended for, that wherever one branch of the government possesses any degree of power, that a discretion necessarily accompanies the exercise of it, nothing I conceive can be more dangerous, or have a more direct tendency to disorganization. If the principle were asserted by each branch, the

operations of the government must cease. The President might say, he was not bound blindly to execute laws which he conceived to be absurd or impolitic. We create offices, he refuses to fill them; we appropriate money, he refuses to apply it; we declare war, he refuses to carry it on, because, consulting his own judgment, he conceives our measures to be unwise, and that it would be better for the country to *check* us, by refusing the aid of his constitutional power to carry our schemes into effect. I will beg leave to put a case which I conceive comes up to the strongest point of the argument on the other side.

Suppose Congress declare war. This can be done by a majority of both Houses. The President participates the power of appropriating money. Now suppose war actually declared, by a power competent and expressly allowed to judge of its expediency, and the President afterwards conceiving the war to be unjust, or the declaration premature, refuses to concur in an appropriation to support it. In such case, we should be constitutionally at war, and constitutionally restrained from carrying it on.

Such are the absurdities which flow from the *imported doctrine* of checks. Consequences which tend to paralyze the powers of the Constitution, and effectually to *stop the wheels of government*.

I have no doubt, Sir, for my own part, that this House has no right to interfere upon the principle of the amendment; but I will, notwithstanding, consider the expediency of the measure it contemplates.

It has been contended by the gentleman from Pennsylvania, that it would be better for this country to renounce all foreign intercourse. This, I conceive, is going far beyond any point of discussion before the Committee. The amendment is not designed to abolish foreign intercourse. It supposes three Ministers Plenipotentiary, and as many Ministers Resident and Consuls as the President shall think proper to appoint. Indeed it affects only the grade of the Ministers at Lisbon and Berlin.

Sir, I could have wished to avoid any imputation upon the motives which produced the present amendment. But it strikes me as singular that gentlemen should be satisfied with restraining its operation to two characters, and that such mighty efforts should be made to accomplish an object attended with so little saving to the Treasury, and at best equivocal, as they must acknowledge, as to its operation abroad. I cannot well account for what I have seen, but in recollecting that the Minister at Lisbon was formerly a distinguished member of this House, whose eminent talents having been employed in the support of government, has rendered him obnoxious to the friends of the amendment; and that the Minister at Berlin is the son of the President of the United States, a man as much hated by one party as venerated by the other. I should have been willing to have discarded any suspicions which these recollections occasioned, had I been able to discover any plausible reason at this time for introducing and so strongly maintaining the amendment.

Gentlemen have talked of annihilating foreign intercourse. Do they call to their minds our sea coast of 1700 miles? Do they remember the commercial temper and habits of our people? Do they recollect how many imported articles, though perhaps once luxuries, are now become necessities of life? Do they calculate the portion of our food and raiment which is brought across the ocean? Can they sit down to a meal in the day, or examine the cloths on their backs, without being sensible of the strength of our foreign connections? I beg gentlemen, after having duly appreciated these considerations, to tell whether they seriously imagine that any force in the government could break our connection with foreign countries. I believe, for my part, that while the ocean is navigable, that our people will be commercial, and that foreign connections cannot be prevented. The only question which seems to me to exist is, whether, as there will be intercourse with foreign countries, it does not admit of beneficial regulations from the interference of government.

The gentleman from Pennsylvania has considered this subject under two heads, *commercial* and *political*, and has endeavoured to shew, that our connections with Europe, commercial or political, do not require a diplomatic establishment.

Commercial intercourse, he continues, might be as well regulated and protected by the employment of Consuls as of Ministers. Very little consideration, I apprehend, will satisfy gentlemen, that Consuls are inadequate to the protection of the commerce of a great country. Consuls are little more than private mercantile agents. They are frequently the subjects of the country in which they are stationed, subject to its laws, as well in civil as in criminal cases, not privileged, and scarcely noticed by the law of nations, and representing, in no degree, the country which employs them. I will then ask, if Consuls are competent to insist upon the rights of the nation, or its citizens, or to remonstrate against their wrongs. Whether they could demand, or are so likely to obtain justice, as if they were clothed with a representative capacity of the country. Beside, let me tell the gentleman, that if our establishment abroad were reduced to Consuls, in effect, they would only have foreign Ministers under new names, for they would soon be employed for political, as well as commercial purposes. It would end in their exercising the powers of Ministers, without their responsibility.

The gentleman from Pennsylvania has said, that the only use of Ministers is to form treaties. This is certainly not true. I conceive that a government is bound to extend its care and protection to its citizens abroad, as well as at home. One purpose, therefore, of Ministers is, to secure to our citizens in foreign countries, the rights which they derived from treaties, or the law of nations. They are designed also to watch the actions of foreign governments, and to discover their schemes, and to give notice to their own government of any thing which may threaten the peace or safety of their country. They are again the organ of communication between go-

vernments, by which explanations are demanded, and by which accidental differences may frequently be avoided without the extremity of war.

When the gentleman from Pennsylvania spoke of our political connections he spoke of those arising from treaties. He conceived that we had no occasion for treaties with foreign countries, and of consequence that Ministers were not wanted to frame them. Upon this ground I will now meet him. It seems to have escaped the observation of the gentleman and his friends, that we have a choice only of one of two grounds upon which we will stand in relation to Europe. The one is the treaty, the other the law of nations. If we will not subject ourselves to treaties, we must still be bound by the law of nations. To me it appears much more rational, that nations should agree on the terms upon which their intercourse shall be conducted, than to leave it to the determination of a law derived from authorities uncertain, ambiguous and contradictory. Treaties are designed to supply the defects, and explain the doubts of the law. They dispense with a rule injurious perhaps to both countries, and introduce a regulation equally beneficial to each party. If disputes arise in the construction of treaties, which are expressed with all the caution of studied language, how much more contention is to be expected upon the law of nations—a law consisting in loose custom, arising from the dicta of authors, whose opinions were warped by the peculiar interest of their country—a law, the general principles of which may be perverted to justify every act of power however flagitious?

The gentleman from Pennsylvania, in order to support his position on this subject, has cast his eyes upon our treaties, and selected those parts which he thought he could reprobate with the most success. And the subject was probably introduced for the purpose of giving him an opportunity of doing so.

I am not, however, alarmed at meeting the gentleman upon this ground, and enquiring into the advantages and evils which have resulted from treaties which we have formed.

The gentleman has not given himself the trouble of adverting to any treaty, or to any one article in a treaty, by which the country has been benefited. It has served his purpose to exhibit the dark side of the picture.

The gentleman has even complained of the treaty with France, and spoke of the disputes which the construction of it has involved us in. Nothing could astonish me more than that that gentleman and his friends should complain of this treaty. I cannot help pitying the short memory which allows them to forget the language they held on a former occasion, removed from us but by a small interval of time. At the last session of this Congress, we were told by those gentlemen, that it was to our treaty with France that we owed the liberty and independence of our country, and we were strongly reminded of the debt of gratitude which remained unpaid. Will those gentlemen now tell us, that the evils which result from that very treaty, overbalance its advantages? If so, we are to be grateful when we have been more injured than benefited.

I shall not be repelled by any popular prejudice from saying, that advantages have been derived from the British treaty. I consider

the war from which that treaty preserved us of an importance incalculable. A war which must have annihilated our commerce, desolated our sea-port towns, ruined our finances, while it increased our debt, depressed the value of our produce, and of the labour of our citizens, and multiplying the burthens of the government, while it diminished the ability of the people to support it, might have ended in the loss of our Constitution, and of our unity and independence as a nation. No sacrifice which we have made, can be put in the scale against the evils which we have escaped. That every treaty will be composed of concession, as well as of acquisition, every reasonable man will expect. It cannot be supposed that a powerful nation will grant any thing and ask nothing in return.

[Mr. Gallatin explained by saying, that nothing which he said, had any relation to our treaty of alliance with France, but merely to commercial treaties.]

Mr. B.—I understood the gentleman to say, that he was averse from all foreign intercourse, and generally that our treaties had been injurious to the country. But even if his strictures were confined to commercial treaties, yet as the question regards generally our foreign connections, it is proper that political advantages derived from our treaties should be taken into consideration. I have spoken of one benefit which might be attributed to the treaty with Great-Britain. I will mention another. That treaty has given us possession of the Western Posts, which for years have been so cruel a thorn in our side, which have cost us so many millions of dollars, and so much blood. Again, the treaty has provided for our mercantile brethren a compensation in case of illegal capture of their property by British vessels during the present war, and reinstated families that otherwise would have been irreparably ruined.

One provision in the treaty, is a striking instance of the necessity of treaties. It has made provision that our northern boundary shall be amicably fixed by ascertaining the true river St. Croix. Had we been left to the law of nations to fix this boundary, as each country would have insisted on its pretensions, force must have settled the controversy.

I will next ask, whether the country has derived no advantage from the Spanish treaty? Whether nothing was gained by the surrender of several armed posts, the establishment of our southern boundary, the session of a large territory, and the acquisition of the free navigation of the Mississippi? And I particularly beg gentlemen to point out the evils which balance the benefits of this treaty?

It is plain to me, that foreign intercourse cannot be prevented, and equally plain that treaties necessarily arise out of that intercourse. But at this moment, of all others, I conceive that the amendment to the bill, which goes to restrain the appointment of Ministers Plenipotentiary to London, Paris and Madrid, is peculiarly improper. Sir, the message of this day laid on our table from the President, informs us of the critical and dangerous state of our country. It informs us also, that the interests of other neutral nations, are implicated in the injustice of the decree which is about to pass the French Councils. We have suffered, and are suffering, aggressions from a power undoubtedly formidable, which menace the peace and safety of the country. We have been driven to the brink of war, and

should the Mighty Republic (which God forbid) force us to hostilities, I hope we shall have sense enough to increase our strength by an alliance with those neutral nations, with whom it may be found that we have a common interest. I trust that the spirit of the country is not so broken by the humiliations to which we have already submitted, and that the passion for wealth has so far extinguished every nobler feeling, that we are prepared tamely to submit our necks to the yoke, and barter the liberty and independence of the country for a state of peace, as inglorious as it is insecure.

The gentleman from Pennsylvania, in his argument against foreign intercourse, alledged, that we had nothing to do with the balance of power in Europe. I believe, Sir, I can refer the Committee to cases which will satisfy both sides of the House that we are intimately connected with that balance. I will call to the recollection of gentlemen opposed to me, that period of the war when the Duke of Brunswick was marching to Paris, when the rebels were successful in La Vendee, when Toulon was in possession of the combined powers, when victory seemed to have declared for the allied princes, and Fate to have numbered the days of the Republic, and ask them whether they were not then sensible of the balance of power in Europe being destroyed? Was there a gentleman among them, who did not attribute the aggressions of England to the depression of the power of France? But when the fortune of war changed—the Duke of Brunswick retreated, Toulon re-captured, the Netherlands subdued, Holland invaded—to this change have they not said it was owing that the famous decree of November, 1793, was revoked, and that the storm which was gathering round us, was dispersed?

At that time, in what manner did the Republic behave towards us? Did they recal their own Ministers, or banish our's? Did they invent pretences to destroy our commerce? On the contrary, did they not invite us to draw closer the bands of alliance? But, Sir, since the full tide of prosperity has risen in favor of France; since she has added millions of men to her population, and of money to her revenue; since she has humbled the crowns of half the Potentates of Europe, and rendered many of them her tributaries; since she has found herself able to break the pillars of governments which had lasted for centuries, and to erect new states upon their ruins; since, in fine, she has perceived that there is no weight in Europe to balance her power, has not this country felt the effect of the mighty change? Gentlemen cannot deny that the system which England formerly pursued, France has since adopted, with circumstances of increased aggravation! When I regard the facts which a short period of time presents to our eyes, I am astonished, that any one should assert that we have nothing to do with the balance of power in Europe.

I will now call the attention of the committee to some points introduced into the discussion, which were principal grounds of argument with the gentleman who moved the amendment, but which have lost much of their importance in the course of the debate.

The first was Executive patronage. This was attacked on two principles. 1. That it had increased, and ought to be diminished. 2. That it had been, and was designed to be abused.

I hope it will be remembered, that the attempt on the present occasion is not to add to the patronage of the President, but to take from the Executive a power, which it is not denied, belongs to him under the constitution. The gentleman from Pennsylvania not only

admitted that a power to fill the office belonged to the President, but asserted that the President had power to create the office itself; so that the question is, as to preserving, and not as to increasing the constitutional power of the Executive.

The same gentleman has been pleased to say, that when I expressed an opinion, that the Executive was the weakest branch of Government, it was with *regret*; and thence, came to an easy conclusion, that it was my design to promote Monarchy in this country. I am at a loss to know how that gentleman discovered my feelings when I delivered the opinion. But it was necessary to his purpose to attribute those feelings to me, and that gentleman has no weak delicacy, as to the means, when he has a purpose to accomplish. I did indeed say, that the Executive was the weakest branch of the Government, and this I repeat; but I neither said it with joy nor sorrow, but stated it as a fact. I did not say that the Executive was *too weak*, nor expressed any wish that its power should be encreased. Suppose I should say, that the Pope is the weakest Potentate in Europe, would it follow, from thence, that I wished the territories of his Holiness extended, or his power enlarged to a balance with that of the mighty Republic? Or, if I affirmed, of the two sexes that the female was the weakest, is it to be concluded that I regret that woman is not as strong as man? I believe the Executive is at the mercy of this House; that if the House were united, and resolved to bind the hands of the Executive, no resistance could prevent them; but I do not apprehend that any effort of Executive authority could make an impression on the rights of this House. Nay, it is even observable that *feeble minorities* can shake the foundations of Executive authority, though supported by a majority of the House.

Another gentleman from Pennsylvania (Mr. Findley) has also thought proper to infer, from the comparison I made between the patronage of our Executive and that of the Crown of Great-Britain, that I am desirous of seeing the patronage of the President encreased to the magnitude of that of the English King.

It is not a little surprizing that this gentleman; who professed himself the model of candour and moderation in the opening of his speech, should suffer himself to be guilty of so gross a misrepresentation. The true inference from my argument is directly the reverse of the one which has been made. I observed, that notwithstanding all the patronage which the King of England derives from the nobility, the church, the army, navy, civil list, &c. that the Monarchy could not be preserved, if the principle of equal representation were introduced into the House of Commons. I have no objection to use the obnoxious expression attributed to me, that if the venal boroughs were abolished, there would soon be an end of the Monarchy.

I do not believe there is a man of sense on the other side of the House of a different opinion. But this opinion is perfectly consistent with a wish to see the Monarchy destroyed. It is an opinion simply upon the operation of certain causes, and their tendency to produce certain effects, which has no connection with the wishes of the person who forms it.

I am very ready to confess, that I am not one of those enthusiasts whose insatiable thirst for liberty allows them to wish the desolation of a country, and the massacre of its inhabitants, in order to establish in it a new form of government. If the English love their Monarch,

I have no objection to their living under Monarchy. It is enough for me, that I live in a Republic; and if the people of England will suffer us to live in peace, under the government of our choice, we cannot be justified in wishing to see the throats of half the nation cut, and their property plundered; in order that a government may be there established more conformable to our taste.

As to myself, I have no interest out of the country, nor in a form of government different from what we possess. I was bred during the revolutionary war, and my first impressions were republican. No man can have less motive to wish a monarchical government; and being completely satisfied with the existing government, I am disposed to repel every innovation upon it, from whatever quarter it comes.

But, Sir, is it for those gentlemen who were born under monarchical, or corrupt governments of Europe, whose necks were early broke to the yoke, whose germ of republicanism is engrafted on a monarchical stock, to bring forward the charges of aristocracy? I think, if the sincerity of their apostacy is not questioned, it becomes them to be silent as to others. I trust, however, that the people of the United States have sense enough to judge men, not by their *professions of faith*, but by their *actions*.

I confess, Sir, I am so far from dreading Executive patronage, that I do not believe that any power which can be given to the President, will render him dangerous to this House, while it is composed of Representatives equally and freely chosen by the people. Not that I suppose that a President is exempt from ambition, or indifferent as to power; but while the people have the power of purging this House every two years, and regard it as themselves, there is no patronage which can corrupt it, nor Executive power which can threaten it. Give to the Executive every officer of the government, and every man whom they can influence, and what is the weight in the scale against the body of the people?

The charge of aristocracy brought against me, and those with whom I act, I look on as a spectre conjured up to alarm timid imaginations. If, indeed, the charge had been made against the other side of the House, there might be some ground to believe it. Against men born in land of slavery, whose cradles have been rocked by slaves, and who have been habituated, from infancy, to trample on the rights of man. Sir, when I look round this hall, and observe how parties are composed; when I see men who come from a land of real equality, many of whom have been educated in laborious employments, and none of whom can boast but a few paternal acres, and find that they are called Aristocrats, while, on the other hand, men who can count in their train a hundred slaves, whose large domains, like feudal baronies, are peopled with the humblest vassals, are stiled Democrats, I am astonished that the weakest of mankind can be imposed on by such an abuse of words. I know that this is a delicate subject, and I wished to have avoided it; but, when I see these High Priests of Liberty so zealously proclaiming freedom with one hand, while they are rivetting the chains of slavery with the other, I cannot forbear tearing aside the veil which conceals the truth from the world.

The gentleman from Pennsylvania has amused us by descanting on the histories of Greece and Rome, and assigning causes of the downfall

of those Republics. These are discussions which, for my part, I conceive had better be left to the schools and lyceums; but since the subject has been introduced, I beg leave simply to remark, the admission of the gentleman, that those republics were destroyed, not by Executive encroachments, but by the licentiousness of the people. This is an admission of every thing in dispute on the subject. Because it proves, that the people were the instruments made use of to destroy republics. Were I an enemy to the free government of my country, I should not seek to subvert it, by supporting, or in attempting by artful constructions of the Constitution to increase Executive power. If a project of this kind could be finally successful, it would require centuries to accomplish it. No, Sir, I would adopt the means which have produced the effect before. The people would be the instrument I should make use of, I would address myself to their prejudices, their follies, and their passions. I would tell them that the government is corrupt; that it is a faction under the influence, or in the pay, of a foreign power. I would tell them, that their interests are neglected and despised, that hence they are burthened with grievous excise laws and odious stamp acts.

I would call upon them to erect *liberty poles*, and refuse obedience to a government which is administered by an *aristocratic junto*. And could I be successful in these artful calumnies, and deluding a well-meaning people, excite them to insurrection and rebellion against the laws, I might hope to see one of the best governments in the world torn to pieces, and a wretched people burying their liberties in its ruins.

From ancient, we were brought to the modern history of Europe, and we are told, that, except in England, from which we have received the germ of liberty, every semblance of representation has been swallowed up in the Executive power.

But I will ask the gentleman, whether the Cortes of Spain, or the Parliaments and Councils of which he spoke, represented the people, or were not connected in interest with the higher classes of society alone. Those shadows of representation were destroyed, because the people deriving no benefit from them, had no motive to support them. But in England, where the body of the people were represented, though imperfectly, the popular branch grew up in the very shade of despotism. This vital principle of liberty survived the tyranny of Henry 8th, and the power of Elizabeth. It soon gave a weight to the Commons which balanced the power of the Crown. The English history strongly proves the principle for which I contend, that the branch of government connected in interest with the people, and supported by them, has nothing to fear from Executive power.

Is there any instance in this history, of the House of Commons being abolished by the crown? And, on the contrary, have you not seen the Commons able to subvert the Throne and Nobility, to extort, at some times, from the King his most precious prerogatives, and at all times to force on him ministers of their choice, or from him those who were his favorites? The very corruption which the gentleman spoke of, proves the weakness of the crown, and the strength of the Commons. It was not on the army, the navy, or the nobility, the crown could rely; it was obliged to purchase the support of the Commons. It was a purchase made upon the same principle of weakness, that we pay for the peace we enjoy with the western savages, or the Barbary powers.

But the gentleman has gone so far as to contend, that from the nature of their respective duties, that this House is more liable to incur popular odium than the Executive. That being obliged to impose taxes, often of an obnoxious kind, we are peculiarly exposed to the resentment of the people. In making this remark, the gentleman certainly forgot, that tho' we lay the taxes, it is the Executive which collects them. And that it is not so much the letter of a tax law which is offensive to the people, as the hand of the tax gatherer, which compels them to pay. I apprehend, however, that the observation is wholly unfounded. The connection between this House and the people is too intimate, a common interest binds them too closely together, to suffer the remark of the gentleman to be verified. I can conceive it more than possible that individuals of this body may lose their popularity by voting for measures from which their constituents are averse; but in reprobating the conduct of a part of the House, who acted against their wishes, their affections will accumulate in favor of those whose conduct was conformable to their sentiments. When the Senate ratified the British treaty, they were not in consequence less popular as a body. For tho' a majority, perhaps, were burnt in effigy, yet the *virtuous ten* acquired all the favor which they lost.

The gentleman has laboriously provided for us an account of the amount of Executive patronage. The fees of every deputy's deputy are collected in the estimate, in order to increase the dimensions of the phantom. The salaries, compensations and fees, to persons in service of the government, are stated to amount to 850,000 dollars. This to be sure, is a frightful sum distributed over such an immense country. But the fact is, that this money is hardly earned. No services are so badly paid for as those which are rendered to the public. The system which is pursuing will starve all talents and merit out of the government.

I believe that several offices are held from patriotic principles alone. I believe that a favor is done the government by every man of talents who accepts an office, and I am convinced that no man can turn his abilities and industry to less account than in accepting of places which the government is disposed to give him. The contracts of the government have been stated at 1,300,000 dollars. But the gentleman has cautiously concealed the idea of equivalent received by the government. Supposing a profit of 5 per cent. to the contractor, the amount of this branch of patronage does not exceed 65,000 dollars. And this is to compensate an advance of capital and personal service. I believe it may be safely affirmed, that our government derives little influence from this source.

An abuse of Executive power has been loudly complained of, in a determination attributed to the President to appoint none to office who do not profess his political creed. That the President has determined to employ no more the enemies of the government, I think very probable. Men perpetually opposed to the administration, who indiscriminately condemn every measure adopted, who insiduously labour to alienate the affections of the people from the government, who, absorbed in a fanatical attachment to a foreign country, have lost all regard for their own, I conceive are properly avoided as objects of public trust and confidence.

The President, on this subject, will act on a principle from which the people never depart. In chusing the electors who appointed him,

did they not exact, where they had not a perfect knowledge, a declaration of the political creed of the candidate? Does not every election bear witness, that the principle is ever adhered to by the people? and I will ask gentlemen, if any officer appointed by the President were left to the choice of the people; if his politics would not be the first object of their attention, and an invincible objection if different from their own? But, Sir, there is no reason to suppose that the principle is carried to the extent, so warmly fancied by a gentleman from Virginia (Mr. Brent) "that the Executive will employ no one who will not sing hallelujahs to every executive object." No, Sir, I should presume that the determination of the President reaches only to those, whose patriotism consist in denouncing their own government, and applauding a foreign one; who celebrates with feats and songs, successes which exalts another country upon the humiliation of their own; and who, pursuing a phantom which they call liberty, forget that they possess all the freedom which rational men can wish, and are willing to subvert every thing which is valuable in society, in order to establish a system under which every thing possibly might be hoped for; but nothing certainly could be enjoyed.

I hope I shall be excused for saying a word as to the reflections, it has been said, we have cast upon the foreigners who are members of the house. I certainly am not one of those who would deny the rights of hospitality to any foreigners who shall please to come among us. I do not know that I have any objection to their acquiring the rights of citizenship; but I must be allowed to say, that, in my opinion, no man who was born in a foreign country, can love America equally with a native American. I do believe there is such a thing as a love of our native soil; and a man who can discard a love for the land which gave him birth, will never have much affection for the country which adopts him. However, if in looking round this house, I could discover a solitary proof against my position, I might be led to doubt it; but I am sorry to say, that my observations on this floor have confirmed the opinion.

The gentleman from Pennsylvania concluded, with telling us, that he had but two objects in view; the one to destroy foreign intercourse, the other to save money. As to the first, were it possible I might join with him; and, as to the last, I believe I perfectly understand the gentleman. It was a fine declaration to tickle the ears of his constituents, I should certainly offend those of mine were I to deliver a different sentiment. But still we differ on this head. I believe the gentleman so sincere in what he said, so well disposed to act up to it, that he would readily agree, not only to save money, but to spend no money at all. I believe he would agree to lock the doors of the treasury, and to throw the keys into the ocean. I believe he would consent to starve every man out of office; and then, I believe, the consequence would be, that the wheels of government would be stopped.

For my part, tho' I value money, I certainly value the liberty and independence of the country more; and as I believe that those objects cannot be better secured than by supporting the best government in the world; and as I know that that government cannot be supported without the expenditure of money, I shall certainly never be so far carried away by the passion of saving, as to refuse an appropriation of money required for any necessary purpose of government, and especially in a case where I cannot refuse without violating the Constitution.